

PLANNING AND ZONING COMMISSION COMMUNICATION
City of Longmont, Colorado

PROJECT TITLE Amendments to the Longmont Land Development Code regarding Animal Care Facilities (File 2963-15)

DATE OF MEETING March 21, 2007

STAFF Brien Schumacher, Principal Planner, 303.651.8764
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Background

On September 12th, Council discussed the concept of care facilities for dogs and requested that staff research what other communities allow for similar types of facilities. Based on the information presented to Council on September 26th, Council directed staff to draft amendments to the Land Development Code regarding dog/animal care facilities.

Staff had prepared draft amendments for the November 29th Planning and Zoning Commission meeting. However, prior to the meeting, staff received a request that the Commission defer its discussion of the amendments to allow dog care representatives additional time to review and discuss the amendments with staff.

Staff has met with and had several discussions regarding the proposed amendments with business representatives and also visited an existing dog care facility.

Current Longmont regulations

Longmont currently allows boarding of dogs in kennels. Kennels are currently allowed only as a conditional use in the GI (general industrial) zoning district. Kennels are also subject to the residential protection standards with a minimum 500 foot separation from residential properties.

Kennels are defined as “a facility at which four or more dogs at least four months of age are kept for the purpose of sale or in connection with boarding care or breeding.”

Veterinary clinics and hospitals are other types of animal care facilities that also allow for temporary boarding accommodations in conjunction with animal care.

Comparison with other jurisdictions

On the next page is a table comparing Longmont with several communities along the northern front-range. Some communities have updated their regulations recently to include separate categories for dog or animal day care facilities. Longmont is the most restrictive of the communities surveyed

regarding where boarding facilities are allowed. Some of the more substantive issues associated with boarding facilities are typically related to nuisance issues, such as noise, odor and waste control.

Comparison of dog/animal boarding facilities among front range communities.

Jurisdiction	Category	Allowed in Residential District(s)	Allowed in Commercial District(s)	Allowed in Industrial District(s)	Comments
Longmont	Kennel	No	No	Yes – subject to conditional use review in GI district	Subject to residential protection standard
Loveland	Domestic animal day care	No	Yes – subject to special review	Yes - permitted	Regulations recently adopted – overnight boarding not allowed
Ft. Collins	Dog day care	No	Yes - permitted	Yes - permitted	Overnight boarding not allowed
Boulder	Kennel	No	Yes – permitted or subject to use review depending on district	Yes - permitted or subject to use review depending on district	Considering including animal day care with next code update
Lakewood	Animal day care	No	Yes Indoor facilities permitted Outdoor facilities subject to special review	Yes – permitted subject to performance standards	Regulations recently adopted – overnight boarding not allowed

Overview of draft amendments

Amendments are proposed for Chapter 15.04 (Use Regulations) and Chapter 15.10 (Definitions) of the Land Development Code. Please refer to the attached draft amendments.

Chapter 15.04 would be amended in Table 15.04-A to address the allowed zoning districts where animal care facilities (both indoor and outdoor facilities) could be located, as well as to update zoning district locations and standards related to other types of animal care facilities and sales establishments. As proposed animal care facilities would be allowed either as permitted, limited or

conditional uses in the commercial, industrial and agricultural zoning districts, depending on the district and type of facility. Permitted and limited uses are both subject to administrative review, with the primary distinction being that limited uses can be subject to additional conditions of approval to address potential impacts associated with a particular use. Conditional uses are subject to review and a public hearing by the Planning and Zoning Commission and also require a neighborhood meeting.

Revisions are proposed to the residential protection standards section (Section 15.04.020.B.24) to address indoor and outdoor animal care facilities and separation from residential districts and/or uses. The proposed distance separation requirements for facilities from residential uses/districts are intended to be consistent with the existing separation requirement for kennels from residential uses.

A new section (Section 15.04.020.B.34) is also proposed regarding animal care facilities and sales establishments that addresses licensing requirements and standards compliance, particularly related to potential nuisance issues.

Chapter 15.10 (Definitions) would be amended to include new definitions for animal care facility and pet store and to revise the kennel definition.

Public meeting notice

Notice of this public meeting has been posted on the City website and published in the Longmont Daily Times-Call. Notice of the previous Planning and Zoning Commission meeting was mailed to the registered neighborhood group leaders, Chamber of Commerce, and Longmont Downtown Development Authority and one letter was received (attached). A copy of this communication has also been posted on the City website for interested parties to review.

Planning and Zoning Commission options

The Planning and Zoning Commission can consider the following options when reviewing the proposed amendments to the Land Development Code.

1. Recommend that City Council approve the proposed amendments.
2. Recommend that City Council approve the proposed amendments with modifications or conditions.
3. Recommend that City Council deny the proposed amendments.

Attachments

1. Draft amendments to Chapters 15.04 and 15.10 of the Land Development Code
2. Planning and Zoning Commission Resolution PZR-2007-9A
3. Planning and Zoning Commission Resolution PZR-2007-9B
4. Planning and Zoning Commission Resolution PZR-2007-9C
5. Email from neighborhood group leader

File: #2963-15

Animal Care Facilities – Draft Amendments

Amendments are reflected by additions (*underlined italics*) and deletions (~~strickethrough~~)

Chapter 15.04 Table 15.04-A (Table of Principal Uses)

TABLE 15.04-A: TABLE OF PRINCIPAL USES																		
P = Permitted Use C = Conditional Use L = Limited Use Blank Cell = Prohibited Use																		
USE CLASSIFICATION & SPECIFIC PRINCIPAL USES	ZONING DISTRICT																Additional Regulations (Apply in All Districts Unless Otherwise Stated)	
	E1	E2	R1	R2	R3	MH	RLE	RMD	MD-O	C	CR	CBD	BLI	MI	GI	P		A
B. Consumer Goods and Services																		
Businesses that offer items for sale to the general public or services to the general consumer. These are the retail and service outlets used by residents to keep their households operating.																		
Operation of all principal uses shall be conducted primarily inside an enclosed structure unless otherwise specified in this Use Table 15.04-A																		
<u>Animal care facilities without outdoor activity area</u>										<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>24, 34</u>
<u>Animal care facilities with outdoor activity area</u>										<u>C</u>			<u>C</u>	<u>C</u>	<u>L</u>		<u>C</u>	<u>24, 34</u>
...																		
<u>Kennels, which may include outdoor activity area</u>														C			<u>C</u>	<u>24, 34</u>
...																		
<u>Pet Stores</u>										<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>				<u>34</u>
...																		
Veterinary clinics										P	L	P		P	P		<u>P</u>	<u>34</u>
Veterinary hospitals														C	L		<u>C</u>	<u>24, 34</u>

Section 15.04.020.B.24 Use Regulation

24. Residential Protection Standards

...

b. Limitations on Uses. Notwithstanding the provisions of §15.04.010 of this Chapter, including Table 15.04-A, Table of Principal Uses, the following uses shall not be established or developed within the distance specified below of an existing residential use or of a residential zoning district. Residential zoning districts, for the purposes of this standard, shall include residential portions of a mixed-use development not located on the same lot as a non-residential use, unless the use has been approved as part of a mixed-use PUD (in which case residential portions of a mixed-use development are exempt from the distance separation requirements; however, the development and operational standards in c. below are still applicable). All distances shall be measured as stated in §15.05.010(A)8 of this Development Code. Nothing in this subsection shall be interpreted to prohibit a lawfully operating use listed below from continuing its operation, if subsequent to the listed use's establishment, a residential use or zone district, or other protected use, is established or locates within the distances specified below.

i. Adult or sexually oriented business- All adult or sexually oriented business uses shall comply with the distance/spacing standards stated in L.M.C. Chapter 6.65, "Sexually Oriented Business Regulation."

ii. Automobile Service Stations and Car Washes--No closer than 250 feet, excluding residential uses located in a non-residential zoning district (also refer to Section 15.04.020(B)(16) regarding separation requirements);

iii. Bars, taverns, and nightclubs - No closer than 250 feet, excluding residential uses located in a non-residential zoning district;

vi. Bus, Railroad, or Public Transit Terminal - No closer than 250 feet, excluding residential uses located in a non-residential zoning district;

v. Day Labor Centers – No closer than 250 feet, excluding residential uses located in a non-residential district;

vii. Funeral Homes and Crematory Facilities - No closer than 500 feet, excluding residential uses located in a non-residential district;

vii. Indoor Shooting Range - No closer than 250 feet;

viii. Kennels, *Animal Care Facilities and Veterinary Hospitals* – No closer than 500 feet for establishments with outdoor activity area or veterinary hospitals with crematory facilities; For indoor facilities - no closer than 250 feet excluding residential uses located in a non-residential zoning district;

ix. Liquor Stores - No closer than 250 feet, excluding residential uses located in a non-residential zoning district;

x. Motor Vehicle Sales and Rentals - No closer than 250 feet, excluding residential uses located in a non-residential zoning district;

xi. Motor Vehicle Repair and Maintenance

(a) No closer than 250 feet for completely enclosed operations, excluding residential uses in a non-residential zoning district (also refer to Section 15.04.020(B)(16) regarding separation requirements);

(b) No closer than 500 feet for any outdoor repair and maintenance activity (also refer to Section 15.04.020(B)(16) regarding separation requirements);

xii. Motor Vehicle Painting and Bodywork - No closer than 250 feet for completely enclosed operations and no closer than 500 feet for any outdoor activity (also refer to Section 15.04.020(B)(16) regarding separation requirements);

xiii. Outdoor Sales, Repairs (excluding Motor Vehicle Repair), and Activities - No closer than 250 feet, excluding residential uses in a non-residential zoning district, except outdoor seating and food service areas for eating/drinking establishments as allowed in subsection 24(c) below;

iv. Private Airports - No closer than one mile, excluding residential uses in a non-residential zoning district;

xv. Restaurants with Drive-In Facilities - No closer than 250 feet excluding residential uses in a non-residential zoning district; and

xvi. Transportation Depots, Trucking Terminals, and Distribution Centers - No closer than 500 feet, excluding residential uses in a non-residential zoning district.

Chapter 15.04.020(B)(34) Use Regulations

34. Animal Care Facilities and Sales Establishments

a. All facilities are subject to applicable City, County, and State licensing requirements and standards;

b. Animal care facilities, kennels, and veterinary hospitals are subject to residential protection standards of Section 15.04.020(B)(24);

c. Outdoor activity areas of animal care facilities shall not exceed fifty percent of the business indoor gross floor area and shall be located and designed to minimize visual impacts and other impacts on surrounding properties or uses;

d. Overnight boarding shall occur indoors between the hours of seven pm and seven am;

e. All facilities shall control odor, dust, noise, waste, drainage, and security so as not to constitute a nuisance, safety hazard or health problem to surrounding properties or uses.

Chapter 15.10 Definitions

Definitions revisions/additions to Chapter 15.10:

“Animal Care Facility” means a licensed facility providing household pet care, obedience classes, training, grooming and other similar services, that may include overnight boarding.

“Kennel” means a licensed facility at which four or more dogs at least four months of age are kept for the purpose of sale or breeding, or in connection with boarding care or breeding that may include overnight boarding.

“Pet Store” means a retail sales establishment primarily involved in the sale of domestic household pets and accessory goods.

“Veterinary Clinic” means a facility rendering surgical and medical treatment to household pets, having no outdoor runs or crematory facilities, but providing overnight accommodations boarding.

“Veterinary Hospital” means a facility rendering surgical and medical treatment to large animals and household pets, providing overnight accommodations boarding, outdoor runs, or crematory facilities.

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PZR-2007-9A

**A Resolution of the Planning and Zoning Commission Recommending
Approval of Amendments to the Land Development Code (Title 15) Regarding
Animal Care Facilities**

Be it resolved by the Planning and Zoning Commission of the City of Longmont,
Colorado:

Section 1. The Longmont Planning and Zoning Commission finds that:

1.1 The Longmont Planning and Zoning Commission met on March 21, 2007
and reviewed proposed amendments to the Land Development Code
regarding animal care facilities and found the proposed amendments
appropriate for inclusion in the Municipal Code.

1.2 The Longmont Planning and Zoning Commission hereby directs staff to
prepare an ordinance reflecting amendments as proposed and forward it to
the City Council for its consideration.

Section 2. This resolution constitutes the written report, findings and decision of the
City of Longmont Planning and Zoning Commission.

This resolution approved this ____ day of _____, 2007, by a vote of __ to __.

Chairman, Planning and Zoning Commission

1 **PZR-2007-9B**

2 **A Resolution of the Planning and Zoning Commission Recommending Conditional**
3 **Approval of Amendments to the Land Development Code (Title 15) Regarding**
4 **Animal Care Facilities**

5
6 Be it resolved by the Planning and Zoning Commission of the City of Longmont,
7 Colorado:

8
9 Section 1. The Longmont Planning and Zoning Commission finds that:

10 1.1 The Longmont Planning and Zoning Commission met on March 21, 2007
11 and reviewed the proposed amendments to the Longmont Land
12 Development Code regarding animal care facilities and found the
13 proposed amendments appropriate for inclusion in the Municipal Code.

14 1.2 The Longmont Planning and Zoning Commission hereby directs staff to
15 prepare an ordinance reflecting amendments as modified by the
16 Commission and forward it to the City Council for its consideration.

17
18 Section 2. This resolution constitutes the written report, findings and decision of the
19 City of Longmont Planning and Zoning Commission.

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21 Section 3. On the basis of the above, the City of Longmont Planning and Zoning
22 Commission recommends approval of the application with the following
23 conditions(s):

- 24 1.
25 2.

26 This resolution approved this ____ day of _____, 2007, by a vote of __ to __.

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28 _____
29 Chairman, Planning and Zoning Commission

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PZR-2007-9C

**A Resolution of the Planning and Zoning Commission Recommending
Denial of Amendments to the Land Development Code (Title 15) Regarding
Animal Care Facilities**

Be it resolved by the Planning and Zoning Commission of the City of Longmont,
Colorado:

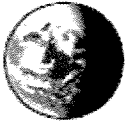
Section 1. The Longmont Planning and Zoning Commission finds that:

1.1 The Longmont Planning and Zoning Commission met on March 21, 2007
and reviewed the proposed amendments to the Longmont Land
Development Code regarding animal care facilities and found the
proposed amendments not appropriate for inclusion in the Longmont
Municipal Code.

Section 2. This resolution constitutes the written report, findings and decision of the
City of Longmont Planning and Zoning Commission.

This resolution approved this ____ day of _____, 2007, by a vote of __ to __.

Chairman, Planning and Zoning Commission



**Brien
Schumacher/Longmont**
03/15/2007 11:16 AM

To
cc
bcc
Subject Fw: municipal code amendments



Jayne Vink/Longmont
11/27/2006 10:46 AM

To Brien Schumacher/Longmont@LONGMONT
cc
Subject municipal code amendments

I received a letter dated 11/21/06 about amendments to the municipal code regarding allowing animal day care facilities in commercial, industrial and agricultural zoning districts.

As President of my association, Villas at Park Crest HOA located at 50 19th Avenue and 50 21st Avenue, I'd like to share my concerns with this providing our association falls under one of those zoning districts listed above. One of the biggest complains in our associate is picking up after dogs. Some residents fall short on this duty as well as the general public when they use our sidewalk that connects 19th Avenue to 21st Avenue.

It would be my hope and understanding that when they exercised pets under their care outside the facility that they ALWAYS pick up after them. Another issue would be keeping noise to a minimum. I've not been around an animal day care facility (I grew up on dairy farm) but also think that odor could be another issue. If these items could be addressed in the amendments in some fashion or another, then I would be opposed to this amendment.

Thanks for asking and listening to my comments.